

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
NOVEMBER 9, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Councilmember Harrison led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers:
Natarajan and Harrison.
Absent: Councilmember Chan

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	Councilmember Chan
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council approved the minutes for the Special and Regular Meetings of October 26, 2010

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	Councilmember Chan
Abstain:	None

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Generally Located Northeast of the Intersection of Paseo Padre Parkway and Ardenwood Boulevard (“Patterson Ranch”) in**

*Consent Items

the Northern Plains Planning Area From “Agriculture” and “Agriculture Flood Combining District A,” to Planned District “P-2005-00186” and Planned District Flood Combining District (P-2005-00186(F)”

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council adopted Ordinance No. 19-2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmember Harrison
Noes: Councilmembers Natarajan
Absent: Councilmember Chan
Abstain: None

- * **2.4 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Adopting Development Agreement (DA-PLN2005-00186) Between the City and Patag, a California Limited Partnership with the General Partner, PFM, Inc., Related to the Development of Property Generally Located at the Northeast Quadrant of the Ardenwood Boulevard and Paseo Padre Parkway Intersection in the Northern Plain Planning Area**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council adopted Ordinance No. 20-2010.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: Councilmember Chan
Abstain: None

- * **2.5 Mayor Wasserman opened consideration of Approval of Task Order No. 6 to the Joint Powers Agreement with Fremont Unified School District for the Provision of School-site Services in FY 2010/11**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or designee to execute Task Order No. 6 to the existing joint powers agreement with Fremont Unified School District for the Youth and Family Services and Fremont Family Resource Center divisions of the Human Services Department to provide mental health services, case management and parenting support services in FY 2010/11 in the amount of \$108,024.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: Councilmember Chan
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of Contract Renewal with Alameda County Behavioral Health Care Services (ACBHCS) for Reimbursement of Mental Health Services FY 2010/11**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or designee to execute the transition and contracts with Alameda County Behavioral Health Care Services for reimbursement for mental health services as set forth in the staff report.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: Councilmember Chan
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Approval of FY 2010/11 Contract Renewal with Alameda County Probation Department for Programs Supporting At-Risk Youth and Families**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or designee to execute a contract totaling \$307,698 with the Alameda County Probation Department to provide delinquency prevention and early intervention programs for at-risk youth and families in Fremont and Newark.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: Councilmember Chan
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Approval of the Seventh Amendment to the Professional Services Agreement with URS Corporation for Additional Design Services During Construction for the Washington Boulevard/Paseo Padre Parkway Grade Separation Project**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Wieckowski, the City Council authorized the City Manager or his designee to execute Amendment No. 7 to the Washington Boulevard/Paseo Padre Parkway Grade Separation Project Professional Services Agreement with URS Corporation in an amount not to exceed \$10,000 and further authorized the City Manager or his designee to increase this amount up to \$10,000 if additional services are required.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: Councilmember Chan
Abstain: None

*Consent Items

3. CEREMONIAL ITEMS

- 3.1 Presentation by League of California Cities Staff for 2010 Helen Putnam Award for Excellence Winning Entry in the Public Works, Infrastructure and Transportation Category**
- 3.2 Presentation of ACEC Engineering Excellence Award for the Washington Boulevard/Paseo Padre Parkway Grade Separation Project by URS Corporation**
- 3.3 Resolution: One Book; One Community Reading Program**
- 3.4 Proclamation: Make A Difference Day**

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Bruce Cates (Local Ecology & Agriculture Fremont (LEAF) President) requested public support of their non-profit project. Lorna Jaynes (LEAF) expressed concerns regarding the Mission Adobe Nursery and the Council vacancy. Rich Godfrey (LEAF) expressed concern regarding the utilization of the Mission Adobe California Nursery Park. Tony Pimentel (Caliskatz) expressed concern about the proposed skatepark.

5. SCHEDULED ITEMS

- 5.1 Mayor Wasserman opened consideration of Continuation of a Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Decision to Deny a Conditional Use Permit to Allow the Conversion of an Existing Residential Structure to a Commercial Structure in the Administrative Commercial (C-O) Zoning District (PLN2008-00223) (Continued from September 14, 2010)**

Planning Director Jeff Schwob provided an overview of the project. Staff responded to questions from Councilmembers. Mayor Wasserman opened the public hearing. Dominic Dutra (representing the applicant, Sophia Jai) presented reasons for granting the project. Mr. Dutra and Ms. Jai responded to questions from Councilmembers. Kathy Kimberlin, Jerry Audiat and Brad Corriea (Glenmoor Gardens Homeowners Association), Carol McIlwain, James Beck, Dixie Campbell, Renee Smith, Melissa Magnan, Curt Gajda, Jack Rogers, Marlene Martin, Helen Paris, Dolores Rose, and Janis Schafir spoke in opposition to the project. Alfonso Lopez, Eric Lindley, Robert Lindley, Elisa Lindley, Lee Wang, Heather Clark, Manquing Huang, Kun Xu, Norm Schumann, and Jing-Wen Yang expressed support for the project. There were no other speakers. Mr. Dutra provided rebuttal comments. Another question and answer period followed with the applicant, architect and Councilmembers. Mayor Wasserman closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. Held public hearing;
2. Found that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline 15303, Conversions of Minor Structures;
3. Found that the project is in conformance with the relevant provisions contained in the City of Fremont General Plan. These provisions include the designations, goals, objectives and policies set forth in the Land Use Element of the General Plan as enumerated within the staff report; and
4. Reversed the Planning Commission's decision and approved the project as shown in Exhibit "A", based on the findings and subject to the conditions contained in Exhibit "B".

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmember Natarajan
Noes: Councilmember Harrison
Absent: Councilmember Chan
Abstain: None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 10:10 p.m.

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

BOB WASSERMAN, Mayor